

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IRVING BERRY,

Plaintiff,

v.

STEVE PFISTER, et al.,

Defendants.

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No. 4:21-CV-00903 AGF

MEMORANDUM AND ORDER

Before the Court is “Plaintiff’s Motion Pursuant to Law and Rules for Evidentiary Hearing for Defendants to Produce the Change in State Statute. . .” Because plaintiff motioned for evidentiary hearing prior to receipt of the February 23, 2022 Order of Dismissal in this action, the Court will deny plaintiff’s motion for relief.

Plaintiff’s motion was dated February 17, 2022, but was post-marked February 23, 2022, and not received by the Court until February 28, 2022. (Doc. No. 16). The Court dismissed this action on February 23, 2022. *See* Docket Nos. 13 and 14. Thus, plaintiff would have been unaware of this Court’s Order of dismissal at the time he mailed his motion. Because plaintiff sought an evidentiary hearing prior to learning this action had been dismissed, the Court will address plaintiff’s motion, but deny plaintiff’s motion for hearing.

Regardless of the timing of plaintiff’s motion, the Court has reviewed plaintiff’s arguments within his filing and finds that nothing contained therein causes a reconsideration of the findings contained in the February 23, 2022 Memorandum and Order and Order of Dismissal. In his motion, plaintiff renews his argument from his complaint that he is entitled to release on parole without completing the Missouri Sex Offender Treatment Program (MOSOP) because his conviction and


sentence occurred in 1979, prior to an alleged amendment to the law in 1990 requiring sex offenders to attend treatment. The amendments to the Missouri statute were detailed in the Court's Order, and its effect on plaintiff was discussed. No hearing is necessary to produce the statutes which can be reviewed by plaintiff online or in the law library. Plaintiff's motion for hearing is subject to dismissal.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's "Plaintiff's Motion Pursuant to Law and Rules for Evidentiary Hearing for Defendants to Produce the Change in State Statute. . ." [ECF No. 16] is **DENIED**.

IT IS FURTHER ORDERED that an appeal from this Order would not be taken in good faith.

Dated this 3rd day of March, 2022.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE